

### **REMARKS**

The Office Action mailed March 14, 2006 has been carefully considered along with the references cited therein. In the subject Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 102(a) as being anticipated by Takami et al. (JP Patent No. 404187448). Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuzuki et al. (U.S. Patent No. 4,882,596) in view of Perevozchikov (U.S. Patent No. 6,139,291) and further in view of Takami et al. Claim 12 was indicated as containing allowable subject matter. Claims 18-20 were indicated as allowed.

#### **Claim Rejections – 35 USC § 102**

Claim 8 was rejected as being anticipated by Takami et al. Claim 8 recites “a valve member disposed in the first passage upstream from the second passage.” The Examiner indicated that Takami et al. disclose a first passage (5), a second passage (4) and a valve member (7). As seen in FIGURE 2 of Takami et al., the valve member (7) is disposed upstream, not downstream, from the second passage (4). Accordingly, the Takami et al. reference does not anticipate claim 8. Applicants respectfully request that the Examiner remove the § 102 rejection.

#### **Claim Rejections – 35 USC § 103**

Claims 1 - 17 were rejected as unpatentable over Tsuzuki et al. in view of Perevozchikov and further in view of Takami et al. The Examiner impermissibly combined Tsuzuki et al. and Perevozchikov. To rely on a reference under § 103, the reference must be analogous prior art. In other words, the reference must either be in the field of Applicants' endeavor, or, be reasonably pertinent to the particular problem with which the inventor was concerned. As for the field of Applicants' endeavor, Perevozchikov is directed to a discharge valve that is utilized in both a scroll compressor and a rotary compressor. (Col. 1, line 8). Scroll machines are popular for use as compressors in both refrigeration as well as air conditioning and heat pump applications. (Col. 1, lines 12 – 13). Compressors for refrigeration are not in the field of print heads for ink jet printers. As for the particular problem with which the inventor was concerned, the valve in Perevozchikov “operates to minimize the recompression volume and at compressor shut down operates to prohibit backflow of the discharge gas through the compressor and thus driving the compressor in the reverse direction.” (Col. 1, line 66 – col. 2, line 3). Applicants were not faced with the

problem of minimizing the recompression volume at the shut down of the printer. In view of the above, Applicant submits that Perevozchikov is nonanalogous art and therefore should not have been applied as a reference when making the obviousness rejection. Accordingly, Applicant requests that the Examiner remove the obviousness rejections.

Claim 21 has been added to the application. Claim 21 recites an ink jet printer that includes a valve similar to that recited in original claim 1. Claim 21 also recites "a fluid pressure source in communication with the passage upstream of the valve, wherein fluid pressure provided by the fluid pressure source closes the valve." Support for this amendment is located at paragraphs [0025] – [0026] of Applicants' disclosure.

None of these references cited against claims 1-17 discloses a fluid pressure source in communication with the passage upstream the valve, wherein fluid pressure provided by the fluid pressure source closes the valve. Instead, Tsuzuki et al. disclose a piezoelectric element 2 that is driven by a pulse generator 7. In Takami et al., the fluid pressure source (atmosphere pressure) is disposed upstream from the valve 7. Accordingly, claim 21 does not read on either reference. In view of the above, claim 21 defines over the cited references.

Claim 22 has also been added to the application. Support for claim 22 is located at paragraphs [0025] – [0026] of Applicants' disclosure.

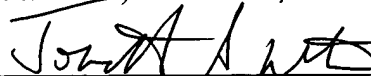
### CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Jonathan A. Withrow, at Telephone Number (216) 861-5582.

Respectfully submitted,

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